

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of The Chiropractic License  
of Patrick W. Corrick, D.C.,  
License No. 1640

**PROTECTIVE ORDER**

This matter is pending before Administrative Law Judge Beverly Jones Heydinger pursuant to a Notice of and Order for Prehearing Conference and Hearing dated October 24, 2001, as amended, December 31, 2001. The parties have jointly requested a Protective Order to limit disclosure of any documents containing data concerning patients or complainants classified as private, confidential or otherwise "not public" under the Minnesota Government Data Practices Act and other applicable law. The parties also requested that portions of the hearing in this matter be closed and that portions of the hearing record be sealed in order to maintain the not public nature of the data.

Susan E. Damon, Assistant Attorney General, 445 Minnesota Street, Suite 1400, Saint Paul, Minnesota 55101, appeared on behalf of the Complaint Panel of the Board of Chiropractic Examiners. William Michael, Jr., Attorney at Law, 431 South Seventh Street, Suite 2530, Minneapolis, MN 55415 appeared on behalf of Patrick W. Corrick, the Respondent.

Pursuant to Minn. Stat. §13.03, subd. 6, the Administrative Law Judge finds that the information to be exchanged in discovery, and the testimony and evidence to be adduced at the hearing in this matter may include data that is classified as "not public". Therefore in order to protect the data,

IT IS HEREBY ORDERED:

1. Data that is classified as "not public" under Minn. Stat. Ch. 13, Minn. Stat. §§144.335 (health records); 148.10, subd. 1; 148.106, subd. 10, or other applicable law shall not be disclosed in the course of this proceeding except as set forth in this order.
2. The pleadings, hearing, and Judge's orders and report in this matter shall be public provided that patient and complainant identities shall not be disclosed. Any pleadings filed after the date of this Order that identify patients or

complainants by name, rather than by initials, shall be marked “not public data” at the top of the initial page.

3. Portions of the hearing may be closed as necessary to protect patient and complainant identities and to permit free discussion of not public data. Unless otherwise ordered, depositions shall be closed. Deposition transcripts containing patient and/or complainant names shall be marked as “not public data” unless patient and complainant names are redacted.
4. Subject to the restrictions set forth in paragraph 5 below, the Complaint Panel will produce the documents and information requested by Respondent in the discovery process herein, which the Complaint Panel contends include, consist of, and/or contain data classified as private or confidential, unless such a request is objectionable on other grounds.
5. The documents and information will be subject to the following restrictions:
  - A. They will be used solely in connection with the above-entitled proceeding and/or in *State of Minnesota v. Corrick et al.*, Hennepin County District Court File No. MC 01-015866, and will not be disclosed outside these proceedings. When such data are disclosed in the course of this proceeding, the parties shall refer to patients and complainants by initials, unless otherwise directed by the Judge.
  - B. They shall not be disclosed by the parties or parties’ counsel during the course of trial preparation except to the following:
    - (1) The parties, parties’ counsel, and such employees of the parties’ counsel who assist in the above-captioned proceeding, all of whom are bound by the terms of this Protective Order;
    - (2) Independent experts or consultants working with the parties’ or parties’ counsel who prior to disclosure sign an agreement agreeing to be bound by the terms of this Protective Order;
    - (3) Other persons including witnesses and deponents as necessary to adequately conduct this litigation, provided that such persons prior to disclosure, agree on the record to be bound or sign an agreement agreeing to be bound by the terms of this Protective Order and specifically agreeing that they will not disclose any private or confidential data outside this proceeding or *State of Minnesota v. Corrick et al.*, Hennepin County District Court File No. MC 01-015866.

6. Each attorney bears full responsibility for explaining compliance with this Order to the persons with whom the attorney discloses "not public" information.
7. The parties shall clearly designate "not public" information to avoid inadvertent disclosure. "Not public" documents shall be kept in a separate file or envelope so marked. The originals and copies of deposition or hearing transcripts, or portions thereof, containing "not public" data shall bear the legend "CONFIDENTIAL – CONTAINS NOT PUBLIC DATA" and shall be maintained in a separate file or envelope.
8. Upon appropriate request of the parties, portions of the hearing in this matter will be closed as needed to permit free discussion of private data.
9. Should any party seek to use the information subject to this Order in a manner inconsistent with this Order, that party shall bring a motion before the Administrative Law Judge with notice to the other party, requesting permission to use the information and detailing the reasons for using the information.
10. This Protective Order may be modified or amended by agreement of the parties and notice to the Administrative Law Judge, or upon application to the Administrative Law Judge for good cause shown.
11. Nothing in this order is intended to limit full review of the record by the Board of Chiropractic Examiners or any subsequent judicial review as provided by Minn. Stat. §§14.61-69.

Dated this 30<sup>th</sup> day of January, 2002.

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BEVERLY JONES HEYDINGER  
Administrative Law Judge